



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P O Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,545	08/09/2001	Peter Schlemm	A-2812	6082
24131 7590 06/05/2008 LERNER GREENBERG STEMER LLP P O BOX 2480 HOLLYWOOD, FL 33022-2480			EXAMINER TSAL CAROL S W	
			ART UNIT 2857	PAPER NUMBER
			MAIL DATE 06/05/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/927,545	SCHLEMM, PETER	
	Examiner	Art Unit	
	CAROL S. TSAI	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Arguments

2. Applicant's arguments, see Eemarks/Arguments, filed April 14, 2008, with respect to claims 1-16 have been fully considered and are persuasive. The previous action has been withdrawn.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "program point 20" at page 12, lines 20-21. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-9 and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 5,987,224 to Koakutsu et al.

6. With respect to claim 1 and 9, Koakutsu et al. disclose a method of executing method steps with an apparatus controlling a printing press (printer 2 shown on Fig. 3B), the method which comprises: connecting the apparatus (control unit 28 shown on Fig. 3B) to an input unit(on-line /off-line selector (not shown)); enabling the apparatus for switching an error mode on or off via the input unit (see Abstract, lines 8-9 and col. 7, lines 1-23); checking whether the error mode is switched on via the input unit (see col. 13, lines 40-46); and producing an output signal in a method step and outputting the output signal as at least one of an optical or an acoustic signal if the error mode is switched on and not outputting the output signal if the error mode is not switched on (see col. 13, lines 46-52).

7. As to claim 2, Koakutsu et al. also disclose the method steps being divided into modules, and the method comprising changing from one module to another module during the execution of the method steps, and wherein the output signal comprises an identifier (indicator 15 shown 3 B) (see col. 5, lines 56-67) indicating in which module the output signal was produced (see col. 6, lines 35-63).

Art Unit: 2857

8. As to claims 3 and 11, Koakutsu et al. also disclose executing the method steps in a plurality of devices (host device 1, host interface 25, control unit 28, data buffer 27, and switch signal 35 from switch 14 shown on Fig. 3B), and generating the output signal with an identifier indicating the device in which the output signal was produced (see col. 14, lines 19-33).
9. As to claims 4, 5, 6, 12, and 13, Koakutsu et al. also disclose the method steps being stored as digital data in a storage device (data buffer 27 shown on Fig. 3B) (see col. 6, lines 26-42), and the method comprising reading out the method steps from the storage device and executed the method steps (see col. 12, lines 39-49), and wherein the output signal comprises an identifier indicating where the method step is stored that produced the output signal (see Figs. 4, 9, and 10 and col. 12, line 50 to col. 13, line 37 and col. 14, lines 1-52).
10. As to claim 7, Koakutsu et al. also disclose outputting the output signal via an output unit (indicator 15 shown on Fig. 3B) (see col. 13, lines 49-52).
11. As to claim 8, Koakutsu et al. also the output signal being stored in a storage device, together with an indication of a time at which the output signal was stored (see col. 14, lines 34-60).
12. As to claims 14 and 15, Koakutsu et al. also disclose the location being identified in said stroage device via a memory address (see col. 12, lines 39-46).
13. As to claim 16, Koakutsu et al. also disclose input means configured to enable selective switching on and switching off of the output mode even during the execution of the method steps (see col. 12, lines 14-28).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 5,987,224 to Koakutsu et al.

16. As noted above, Koakutsu et al. disclose the claimed invention, except for a second control apparatus, and wherein one of said first and second control apparatus produces the output signal, and said first or second control apparatus outputs the output signal if an output mode is switched on, and the output signal comprises an identifier indicating whether the output signal was produced by said first or second control apparatus.

17. It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to duplicate a second control apparatus, and wherein one of said first and second control apparatus produces the output signal, and said first or second control apparatus outputs the output signal if an output mode is switched on, and the output signal comprises an identifier indicating whether the output signal was produced by said first or second control apparatus, in order that the printing apparatus and control method can be configured to process a variety of tasks simultaneously to improve the processes required to replenish consumable printing materials consumed during the printing operation. Further, as shown in *St. Regis Paper Co. v Bemis Co.* 193 USPQ 8 (7th Cir. 1977), to duplicate parts for multiple effects generally does not provide patentable weight to the claimed invention.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
19. Koakutsu et al. disclose a printing apparatus including a data receiver that receives command data from a host device and a memory that stores the command data received by the data receiver.
20. Ishida et al. disclose an apparatus including a print switch, the remaining paper detection apparatus, and a controller and a remaining paper detection controller.
21. Daniel et al. disclose a sequencing system for a printing press, the printing press having a plurality of print stations, each of the print stations for printing a respective portion of a design on an item with ink, the printing press also having a curing station for curing the printed ink, the sequencing system comprising a controller having random access memory for selecting one of the print stations, for indexing the item to the selected print station, for terminating whether the item is present at the selected print station, for actuating the selected print station to print the respective portion of the design on the item, for determining completion of the actuation, for selecting one of the curing stations, for indexing the item to the selected curing station, for determining whether the item is present at the selected curing station, for actuating the selected curing station, and for determining completion of the curing operation.
22. Rodi et al. disclose a control system for a printing press including inputting into a central control apparatus to which a plurality of printing presses are connected data required for controlling a given printing press for a given printing job, and transmitting the data from the central control apparatus to a control device assigned to the given printing press.

Contact Information

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAROL S. TSAI whose telephone number is (571)272-2224. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ramos-Feliciano S. Eliseo can be reached on (571) 272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 3, 2008
Art Unit 2857
/Carol S Tsai/
Primary Examiner, Art Unit 2857